

18
10-1-01
MA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROHAN R. PERSAUD,

Petitioner

v.

JOHN ASHCROFT, *et al.*,

Respondent

:
:
:
:
:
:

CIVIL NO. 1:CV-01-1255

(Judge Rambo)

FILED
HARRISBURG, PA

OCT 01 2001

MEMORANDUM AND ORDER Per MARY E. D'ANDREA, CLERK
Deputy Clerk

Persaud filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on July 6, 2001 challenging his continued detention by Immigration and Naturalization Services ("INS"). On September 7, 2001, this court dismissed Persaud's petition without prejudice for failure to exhaust his available administrative remedies. Petitioner now files the instant motion for reconsideration (Doc. 15) of his petition for writ of habeas corpus. Because this court finds that Persaud has failed to provide the evidence required for a successful motion for reconsideration under Rule 59(e) of the Federal Rules of Civil Procedure, petitioner's motion will be denied.

A motion for reconsideration is a device of limited utility. It may be used only to seek remediation of manifest errors of law or fact or to present newly discovered precedent or evidence which, if discovered previously, might have affected the court's decision. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906 (3d Cir. 1985). It has also been held that a motion for reconsideration is appropriate in instances such as where the court has

" . . . misunderstood a party, or has made a decision outside the adversarial issues presented to the court by parties, or has made an error not of reasoning, but of apprehension." *See Rohrbach v. AT & T Nassau Metals Corp.*, 902 F. Supp. 523, 527 (M.D. Pa. 1995), *vacated in part on other grounds on reconsideration*, 915 F. Supp. 712 (M.D. Pa. 1996) (quoting *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983). "Because federal courts have a strong interest in the finality of judgments, motions for reconsideration should be granted sparingly." *Continental Casualty Co. v. Diversified Indus., Inc.*, 884 F. Supp. 937, 943 (E.D. Pa. 1995).

In his pending motion for reconsideration, Persaud fails to demonstrate a change of law, new evidence, or a need to correct clear error of law that indicates his previous claim merits reconsideration. Petitioner merely wants this court to rethink its earlier decision. *Glendon Energy Co. V. Borough of Glendon*, 836 F.Supp. 1109, 1122 (E.D. Pa. 1993) (a motion for reconsideration is *not* properly grounded on a request that a court rethink a decision already made). In his brief in support of his motion for reconsideration (Doc. 16), it appears that petitioner attempts to raise a new ground for habeas relief, i.e. he should be released pursuant to § 236(c) of the INA, 8 U.S.C. § 1226(c). The grounds for habeas relief petitioner raised with this court were identical to the grounds that are currently pending with the Board of Immigration Appeals ("BIA").

Accordingly, this court finds that petitioner has not satisfied the requirements for a successful motion for reconsideration under Rule 59(e) of the Federal Rules of Civil Procedure, and IT IS THEREFORE ORDERED THAT the motion for reconsideration (Doc. 15) is denied.



SYLVIA H. RAMBO

United States District Judge

DATE: October / , 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:01-cv-01255 Persaud v. Ashcroft

True and correct copies of the attached were mailed by the clerk
to the following:

Rohan R. Persaud
Tensas Parish Detention Center South
A38-746-586 HC-62
Box 500
Waterproof, LA 71375

Lorna N. Graham, Esq.
U.S. Attorney's Office
P.O. Box 309
Scranton, PA 18501

Martin Carlson
United States Attorney
228 Walnut Street
Harrisburg, PA 17108

cc:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Standard Order 93-5	()	
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: October 1st, 2001

BY: 
Deputy Clerk